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STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

January 4, 1985

Mr. Dan W. Guy  
Manager, Permitting & Compliance  
Beaver Creek Coal Company  
P. O. Box 1378  
Price, Utah 84501

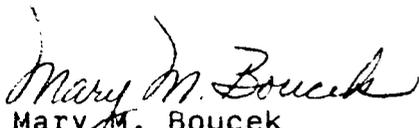
Dear Mr. Guy:

RE: Remote Sensing Camera Monitoring on Conveyor, Beaver Creek Coal Company, Gordon Creek #2 Mine (Southwest Lease), ACT/007/016, Folder No. 2 and 13, Carbon County, Utah

Recently, some questions have arisen concerning the status of BCCC's remote sensing camera monitoring program along the Southwest Lease (Gordon Creek #7) conveyor. As you will recall, Section 10-6 of the Southwest Lease Mining & Reclamation Plan states that this study will be implemented within 60 days of the initiation of operations at this site. The Division is not aware that this study has yet been implemented and is concerned that the cameras be in place and the study initiated prior to spring migration.

Please advise the Division at your earliest convenience as to the status of this monitoring program. Should you need assistance in ordering or installing equipment or in interpreting results, please contact Larry Dalton, Division of Wildlife Resources in Price, at your convenience.

Sincerely,

  
Mary M. Boucek  
Reclamation Biologist  
Permit Supervisor

jvd

cc: A. Klein  
L. Dalton  
R. Daniels  
S. Cox

PC-Letter



H 6

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

August 15, 1985

TO: Dianne R. Nielson, Director  
 THRU: Lowell P. Braxton, Administrator *See notes WLB*  
 FROM: D. Wayne Hedberg, Permit Supervisor *DWH*  
 RE: Request for Legal Assistance

This memo is directed to you in request of obtaining legal advice and assistance from the Division's legal council. There are two areas which this memo will address which I feel will require legal interpretation and direction. The two areas of concern are outlined as follows:

*I would like to discuss this with Barbara or have her opinion before the legal thing is formalized*

1. This area concerns the status of the Noncoal Rules and Statute Rewrite Committee's October 30, 1984 request for a legal opinion concerning several 2-Acre exemption questions. It is my understanding that Barbara Roberts is now preparing a response to this request (via verbal discussions with Dianne Nielson on 8/15/85). Has a tentative date been scheduled for your receipt of this legal opinion? If possible, it would be very helpful to place some priority on this item as several new rule changes being contemplated by the current Noncoal Rules Working Committee are dependant upon the outcome of this previous request.
2. This concern involves a request from Beaver Creek Coal Company to remove a portion of the Gordon Creek #2 mine access road from their approved permit area. This request has been reviewed by the technical staff and it was the staff's opinion that the final decision might be more appropriately answered after consulting with our legal counsel. The reason for this is based upon a previous April 13, 1984 "Memorandum" from Barbara Roberts to Dianne Nielson which addressed the classification of the Gordon Creek Road and the "affected area" definition. Beaver Creek has provided a copy of this memorandum as part of the request for approval of their proposal. A copy of the background information pertinent to the company's request is attached to this memo for reference.

Thank you for your time and attention to the items discussed above. I look forward to answering any questions that you may have and anxiously await your reply.

August 15, 1985

CHRONOLOGY OF PERMIT REVIEW

RE: Beaver Creek Coal Company Application for MRP Amendment, Request to Delete a Portion of the Gordon Creed #2 Mine Access Road From the Permit Area, ACT/007/016, Carbon County, Utah.

November 23, 1984 - DOGM receives initial application for MRP amendment from BCCC.

November 27, 1984 - DOGM transmits copy of operator's plan to the OSM tentatively categorizing plan as an insignificant revision (i.e., amendment).

January 4, 1985 - Allen Klein (OSM) and Mark Humphreys call DOGM Dianne Nielson and Ron Daniels with "concern" over the Division's initial classification of BCCC's application as an insignificant revision. OSM was informed at that time that this was a tentative classification based upon information available to the technical staff at the time of the application's receipt. DOGM would not be acting on the application ;until the operator updated the MRP copies in this office comparable with OSM's copies. Our office had not been provided with the same information which the OSM had received during the final permitting stages of the PAP.

January 7, 1985 - DOGM sends letter to OSM explaining that the application has not been processed yet, pending receipt of information from BCCC to update the PAP's on file with the Division (copy attached).

January 16, 1985 - DOGM receives draft OSM letter from Walter Swain (OSM) which outlines some of their concerns with the operator's proposal (letter never formalized to DOGM).

January 21, 1985 - BCCC sends 2 copies of the road information to update the Division's PAP's. PAP applications filed with the Division are now current with OSM's applications.

Page 2  
Permit Application Chronology  
ACT/007/016  
August 15, 1985

May 20, 1985 - DOGM deficiency letter is sent to BCCC with a response due May 27, 1985.

June 6, 1985 - DOGM (Wayne Hedberg) receives call from Dan Guy (BCCC) requesting a (7-10 day) extension of time to submit the requested information.

June 17, 1985 - DOGM receives response from BCCC to the May 20th deficiency letter.

August 1, 1985 - DOGM completes technical review of BCCC's latest response and prepares preliminary comments. Decision to solicit assistance from legal counsel prior to finalizing response to the operator on adequacy of June 17th response.

August 7, 1985 - Verbal discussion between technical staff (Wayne Hedberg) and legal assistant (Barbara Roberts) in attempt to set up a brief meeting to discuss resolution of BCCC road issue. Technical staff was advised to formalize the request for assistance through the Division director and prepare a history of all background information necessary to accompany the request.

8992R-83-85  
dwh

\*Info for request # (2)

(2)



Beaver Creek Coal Company

DWH



June 13, 1985

RECEIVED

JUN 17 1985

DIVISION OF OIL  
GAS & MINING

Mr. D. Wayne Hedberg  
Permit Supervisor  
Division of Oil, Gas, and Mining  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, UT 84180-1203

RE: MRP Amendment  
Gordon Creek Road  
Gordon Creek #2 Mine  
ACT/007/016, #3  
Carbon County, Utah

Dear Mr. Hedberg:

Pursuant to your letter of May 2, 1985, I have enclosed 3 complete copies of the State decision on the Gordon Creek Road. This additional information will show that the State of Utah has determined that the Gordon Creek road does, in fact, meet their criteria for designation as a public road (including criterion #4).

The company does maintain a locked gate at the entrance to our mine; however, the road is considered public up to that point. The road does not go beyond the mine property; however, as Mr. Semken has stated in his affidavit, "The Gordon Creek Road is classified and has been designated by Carbon County as a public use County road and is constructed similarly to similarly classified roads." It is not uncommon for County roads (or other public roads), to end at the entrance to a mine site, gravel pit, private land, or recreation area. A locked gate, therefore, does not deny the public access to any part of the public road at any time.

I hope this additional information will resolve any remaining concerns, and that this modification can be approved as requested. If you need anything further, please let me know.

Respectfully,

Dan W. Guy  
Manager of Permitting and Compliance

DWG/sb

Enclosure

cc: J.A. Herickhoff (w/o enclosure)  
M.P. Watson (w/o enclosure)  
T.F. Linn (w/o enclosure) (DAT 1850)  
File 5-P-5-1-5  
IBM D1



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

DWH

Norman H. Bangerter, Governor  
Dee C. Hansen, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

May 20, 1985

CERTIFIED RETURN RECEIPT REQUESTED  
(P402 457 168)

Mr. Dan W. Guy, Manager  
Permitting and Compliance  
Beaver Creek Coal Company  
P. O. Box 1378  
Price, Utah 84501

Dear Mr. Guy:

RE: MRP Amendment, Gordon Creek Mine Access Haul Road, Gordon  
Creek #2 Mine, ACT/007/016, #3, Carbon County, Utah

The Division has completed the review of Beaver Creek Coal Company's November 21, 1984 request for approval of a minor amendment to the approved Mining and Reclamation Plan (MRP) for its Gordon Creek #2 Mine.

It was the Company's wish to modify the permit boundary by deleting that portion of the Gordon Creek (county) Road from Consumer's Canyon to the mine gate. As part of the request for deletion of this portion of the road from the permit area, the Company provided four criteria in support of the request for change.

Criterion #2 as explained in the November 21 letter states that one of the reasons for deleting a portion of the road from the permit area is that the Division has determined that the Gordon Creek Road meets the criteria for designation as a public road. The Company must clearly explain how the road meets Criterion #4 of the Division's public road criteria for that section of road from Consumer's Canyon to the Gordon Creek gate. The Company must also explain how the road provides access to sites other than the permit area and how the locked gate does not deny public access at any time.

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Mr. Dan W. Guy, Manager

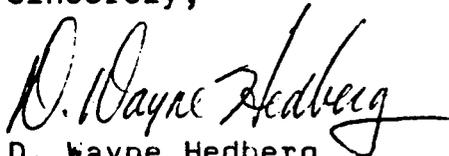
ACT/007/016

May 20, 1985

Please provide the Division with a response to these remaining deficiencies by May 27, 1985. Upon receipt of this information, the Division will make a final determination as to the adequacy of the company's request.

Thank you very much for your patience and cooperation in this matter. Should you have any questions, please feel free to contact me directly.

Sincerely,



D. Wayne Hedberg  
Permit Supervisor/  
Reclamation Hydrologist

btb

cc: Allen Klein  
Lowell Braxton  
Ron Daniels  
Pam Grubaugh-Littig  
Joe Helfrich  
John Whitehead  
Tom Wright  
8992R-70 & 71



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

January 9, 1985

Mr. Allen D. Klein, Administrator  
Western Technical Center  
Office of Surface Mining  
Brooks Towers  
1020 Fifteenth Street  
Denver, Colorado 80202

Dear Mr. Klein:

RE: MRP Revision, Plans for Deleting a Portion of the Gordon  
Creek Access Road From the Mine Plan Permit Area, Beaver  
Creek Coal Company, Gordon Creek #2 Mine, ACT/007/016, #3,  
Carbon County, Utah

This letter is forwarded to your office in response to a telephone conversation held between the Office of Surface Mining (OSM) and the Division on January 5, 1985. The conversation concerned OSM's receipt of the November 27, 1984 transmittal letter from the Division, which enclosed seven (7) copies of Beaver Creek Coal Company's (BCCC) proposed MRP revision. The revision requested that the Division approve the deletion of a portion of the Gordon Creek access road from Consumer's Canyon to the mine gate for the Gordon Creek #2 Mine. A transmittal letter indicated that the Division was prepared to review this application initially as an insignificant revision.

It has become apparent that several misunderstandings have occurred since the original receipt of the proposal which may change this initial determination. The purpose of this letter is to correct the previous misunderstandings and to present the processing procedure which the Division will follow from this date forward.

Attached to this letter please find copies of two letters dated November 9 and December 19, 1984 to Mr. Dan Guy of BCCC. Both letters were sent to the Company requesting that the Division be forwarded sufficient copies of the updated PAP

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Mr. Allen D. Klein, Administrator

ACT/007/016

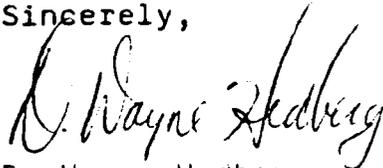
January 9, 1985

information which had been previously submitted to the OSM in May of 1984. This information involved adding a portion of the Class I Road leading to the Gordon Creek #2 Mine into the permit area. This addition necessitated that certain text and figures (i.e., map changes), would need to be made and utilized to revise the permit applications on file with the OSM and the Division. The Company has failed to provide this information to the Division to date.

The Division will suspend the processing of BCCC's recent revision until such time as the approved permit applications have been updated with the information referenced above. The OSM will be contacted when the information has been received and when the Division has made its final decision on how the revision will be processed. The OSM will be given ample time to respond to the Division's decision prior to any formal approval. The Division welcomes any comments or recommendations which your office may have regarding this issue.

Should you have any further questions concerning the above, please feel free to contact me at your earliest convenience.

Sincerely,



D. Wayne Hedberg  
Permit Supervisor/  
Reclamation Hydrologist

btb

cc: Ron Naten  
Walt Swain  
Dianne Nielson  
Ron Daniels  
Mary Boucek  
Joe Helfrich  
Bart Kale

8992R-20 & 21